

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SECOND AMENDMENT ARMS (a d/b/a of)
R. Joseph Franzese), R. JOSEPH FRANZESE,)
individually and d/b/a SECOND AMENDMENT)
ARMS, ROBERT M. ZIEMAN, SR., ICARRY,)
an unincorporated Association (and d/b/a of Shaun) Case No: 1:10-CV-4257
Kranish), SHAUN KRANISH, individually and)
d/b/a ICARRY, and TONY KOLE,)
)
Plaintiffs,)
) Hon. Robert M. Dow, Jr.
v.) U.S. District Court Judge
)
CITY OF CHICAGO, a municipal corporation,)
RAHM EMANUEL, in his official capacity as)
Mayor of the City of Chicago, GARRY) Hon. Sheila M. Finnegan
McCARTHY, Superintendent of Police of the City) U.S. Magistrate Judge
of Chicago, and SUSANA MENDOZA, City Clerk)
of the City of Chicago,)
)
Defendants.)

MOTION FOR LEAVE TO FILE THIRD AMENDED COMPLAINT

NOW COME the Plaintiffs, Second Amendment Arms (a d/b/a of R. Joseph Franzese), R. Joseph Franzese, individually and d/b/a Second Amendment Arms, Robert M. Zieman, Sr., ICarry, an unincorporated Association (and d/b/a of Shaun Kranish), Shaun Kranish and d/b/a ICarry, and Tony Kole, and, pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure (F.R.Civ.P. 15(a)(2)), move this Honorable Court to grant Plaintiffs leave to file their Third Amended Complaint in this matter. In support thereof, Plaintiffs state as follows:

1. On September 25, 2012, the Court dismissed, or declined to dismiss, certain claims and/or parties from Plaintiffs' Second Amended Complaint.
2. On June 25, 2013, the Court ordered Plaintiffs to file a Third Amended Complaint and this Motion.

3. The proposed Third Amended Complaint is attached, and addresses the concerns in the Court's September 25, 2012 Order.

WHEREFORE, the Plaintiffs, Second Amendment Arms (a d/b/a of R. Joseph Franzese), R. Joseph Franzese, individually and d/b/a Second Amendment Arms, Robert M. Zieman, Sr., ICarry, an unincorporated Association (and d/b/a of Shaun Kranish), Shaun Kranish and d/b/a ICarry, and Tony Kole, request this Honorable Court to grant Plaintiffs leave to file their Third Amended Complaint, *instanter*, as well as any and all further relief as this Court deems just and proper.

Dated: July 30, 2013

Respectfully submitted,

By: _____ /s/ David G. Sigale
David G. Sigale

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CERTIFICATE OF ATTORNEY AND NOTICE OF ELECTRONIC FILING

The undersigned certifies that:

1. On July 30, 2013, the foregoing document was electronically filed with the District Court Clerk *via* CM/ECF filing system;
2. Pursuant to F.R.Civ.P. 5, the undersigned certifies that, to his best information and belief, there are no non-CM/ECF participants in this matter.

/s/ David G. Sigale

Attorney for Plaintiffs

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